

REMARKS

In response to the Office Action mailed June 23, 2009, Applicant respectfully requests reconsideration by the submission of this amendment.

In the Claims

Applicant has amended and canceled claims herein solely to expedite prosecution of this application. In doing so, Applicant does not dedicate the subject matter of the amended or canceled claims, either as previously pending or originally filed, to the public, and does not acquiesce to the Examiner's reason(s) offered in support of the rejections of the amended or canceled claims or any claim(s) that depend therefrom. Applicant also reserves the right to seek patent protection for claims similar or identical to the amended or canceled claims, either as previously pending or originally filed, in one or more subsequently filed and related applications.

Rejections Under 35 U.S.C. § 102

Claims 2-43 were examined. As claims 1-14, 35, and 36 have been canceled, claims 15-34 and 37-43, with claims 15 and 34 being independent, now stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent 7,208,975 to Donner ("Donner"). Applicant respectfully traverses.

In general, embodiments of the present invention are directed to systems and methods for allowing wireless carriers to provide intelligent spending-limited products to their post-paid subscribers. Real-time call control, including pre-call authorization and processing along with real-time call monitoring is provided. (Page 3, line 28 - Page 4, line 3). Advantageously, embodiments of the present invention allow for wireless carriers to better control resources and to reduce the losses that are historically associated with roaming calls and the inability to be paid therefor, i.e., the present system prevents a subscriber from exceeding a specific level of use and cannot then obtain services for which the subscriber never pays.

More specifically, embodiments of the present invention enforce spending limits in a wireless telephone call billing system. For example, a particular subscriber may currently be

characterized as requiring pre-call processing, i.e., requiring processing prior to connecting a wireless telephone call to determine whether or not the wireless telephone call should be initiated and, if so, how long the call should be, along with real-time call monitoring during the call to assure that the call does not exceed the allotted time, if approved. (Page 11, line 16 - page 13, line 6). Subsequently, for example, after having replenished a pre-pay account, the same subscriber may be re-characterized as being allowed to proceed without pre-call processing and without real-time call monitoring. After each call is completed, the status of the subscriber is re-evaluated based, in part, on the most recently completed call, in order to determine how the next call is handled. It may be the situation that the "last" wireless call caused the subscriber to cross a "low balance threshold" that placed the subscriber in a position such that a next wireless call chargeable to that subscriber would then again require pre-call processing along with real-time call monitoring. (Page 12, line 26 - page 13, line 6). The event being analyzed is the request to make a wireless telephone call. Specifically, it is not the authorization or denial of the wireless telephone call that is the subject of the present invention, it is the process of automatically updating the treatment method, i.e., whether or not to perform real-time call processing for subsequent calls. Such a process occurs either immediately after the previous call, or at a later time, but prior to and in an unrelated process from, the subsequent call. In this way, the present invention is a computing resource manager and conservator, and as such is not directed to methods of authorizing or denying calls or other events.

Donner is directed to generally purchasing and provisioning items or services online for reallocating and/or upgrading, for example, tickets to events, concessions, etc. (Col. 1, lines 44-50). In general, Donner discloses a system for selling and/or transferring "tickets, goods, services and the like, for movies, theater, shows, **sporting events, cultural events.**" (Col. 1, lines 55-61, emphasis added).

In order for a reference to anticipate a claim, each and every limitation recited in the claim must be found in the cited reference. See MPEP § 2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

Applicant respectfully submits that Donner does not anticipate that which is recited in any of the pending claims, as amended, for at least the reason that there is no disclosure, teaching or suggestion of providing data regarding a wireless telephone call as recited in the present claims, as amended, and as defined in the present specification.

Independent claim 15, as amended, is directed to a system for enabling the selective use of real-time wireless telephone call control resources in a telecommunications system. A subscriber database is comprised of individual subscriber account records and a balance manager is in communication with the subscriber database. The balance manager receives real-time wireless telephone call characterizing data for calls chargeable to a subscriber account and rates the received real-time characterizing data in order to modify the respective subscriber account record. A treatment handler is in communication with a balance manager and determines whether a

next wireless telephone call chargeable to the respective subscriber account is subject to wireless telephone call processing before, and real-time monitoring during, the next wireless telephone call or whether the next wireless telephone call chargeable to the subscriber account is subject to only wireless telephone call processing after termination of the next wireless telephone call.

An event manager is in communication with the balance manager and the treatment handler for selectively authorizing the wireless telephone call as determined by the treatment handler.

Donner, in contrast, teaches the processing of an e-commerce transaction, i.e., the processing of the “content” or “subject matter” of, for example, a wireless telephone call. Donner does not disclose determining how to handle a next wireless telephone call as is recited in independent claim 15, as amended. More specifically, Donner does not determine whether or not a next wireless telephone call will be subject to only wireless telephone call processing after termination of the call or whether the next wireless telephone call will be subject to processing prior to the call’s initiation in addition to real-time monitoring during the call. Applicant can find no discussion of such a treatment of a wireless telephone call in Donner. Accordingly, Applicant submits that independent claim 15 is not anticipated by the Donner reference.

As claims 16-33 depend, either directly or indirectly, from independent claim 15, Applicant respectfully submits that these claims are also not anticipated by the Donner reference.

Independent claim 34, as amended, is directed to a method of selectively employing real-time wireless telephone call control resources for a subscriber to a telecommunications service plan. Claim 34 recites, in relevant part, analyzing data characteristic of a subscriber account record for determining if a subsequent subscriber-initiated telephone call is to be subject to call processing before, and real-time monitoring during, the wireless telephone call, or if the wireless telephone call is to be subject to only call processing after termination of the wireless call.

Applicant respectfully submits that independent claim 34 is a method analogous to the apparatus recited in claim 15. Accordingly, for at least the same reasons submitted above with respect to independent claim 15, Applicant maintains that Donner does not anticipate that which is recited in claim 34. As claims 37-43 depend, either directly or indirectly, from independent claim 34, Applicant respectfully submits that claims 34 and 37-43 are patentable over the Donner reference.

Applicant believes the claims are in condition for allowance and a notice to this effect is earnestly solicited. If the Examiner has any questions, the Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application. The Examiner is hereby authorized to charge any fees, or credit any balances, due to this submission, to Deposit Account No. 23-0804.

Respectfully submitted,

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